

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.313 OF 2004

Office notes, office Memoranda
of Coram, appearance, Court's
orders or directions and
Registrar's orders.

Court's or Judge's orders.

Mr.D.P. More, A.P.P. for the State.

CORAM : R.S. MOHITE, J.
DATED : 12/1/2006.

P.C.

1. This is an appeal filed by the State impugning a judgment and order passed by the 4th Adhoc Asstt. Sessions Judge, Kolhapur acquitting the accused for offences punishable under Section 498A, 306, 323, 504 of the I.P.C. On perusing the impugned judgment and order, it appears that the same has been passed on cogent and acceptable reasons. The prosecution has examined three neighbouring persons of the deceased Vaishali. They deposed that they had never heard of any

quarrel between the deceased Vaishali and the accused. The evidence indicates that the couple was married in 1977. The accused was auto rickshaw driver and six months prior to the incident the accused suffered by paralysis stroke. It is only after the accused suffered a paralysis stroke, that the quarrels between them started. It appears that dying declaration of Vaishalli recorded in presence of her father indicates that accused did not work any where and did not allow her to work and being frustrated she set herself to fire. There is no mention of physical abuses in the dying declaration and on the facts which are mentioned therein it is possible to take a view that there is no abetment of commission of suicide. Hence, leave refused. Consequently the appeal stands dismissed.

(R. S. MOHITE, J.)